

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARY RICHMOND,
Plaintiff,

v.

Case No. 15-C-231

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
Defendant.

ORDER

Plaintiff Mary Richmond seeks judicial review of a decision by the Commissioner of the Social Security Administration. Pursuant to 28 U.S.C. § 1914(a), a plaintiff must pay a filing fee to bring an action in federal court, but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a)(1), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.”

Plaintiff has filed the required affidavit, indicating that she believes she is entitled to the relief sought in the complaint, and on review of the complaint I am unable to determine that the action is frivolous or that the complaint fails to state a claim. However, on review of the affidavit, I cannot conclude that plaintiff meets the poverty requirements of § 1915(a). Plaintiff reports no income, but her husband makes \$2600 per month, and they have no dependents. Plaintiff avers that monthly expenses exceed her husband’s income, requiring them to dip into savings, but according to the affidavit they have \$11,000 in bank accounts and \$37,000 in

401(k) and retirement accounts. They also own two vehicles worth \$2200 and \$2600 and a home with \$85,000 in equity.

THEREFORE, IT IS ORDERED that plaintiff's petition to proceed in forma pauperis (R. 3) is **DENIED**. Plaintiff is given until **March 23, 2015**, to pay the filing fee or this action may be dismissed.

Dated at Milwaukee, Wisconsin this 9th day of March, 2015.

/s Lynn Adelman
LYNN ADELMAN
District Judge